REMARKS

The Examiner is thanked for the courtesies extended to Applicant's undersigned Attorney during the June 10, 2009 telephone interview, during which the above-identified amendments were discussed in view of the following remarks.

Reconsideration of this application and the rejection of claims 1-4, 7, 9, 10, 13-17 and 20-22 are respectfully requested. Applicant has attempted to address every objection and ground for rejection in the Office Action dated March 4, 2009 (Paper No. 20090225) and believes the application is now in condition for allowance. The claims have been amended to more clearly describe the present invention.

Claims 1, 10 and 13 are objected to because the Examiner states that the elements or steps set forth in these claims must be separated by a line indentation. Applicant has amended claims 1, 10 and 13 to indent each element or step of claims 1, 10 and 13. Applicant therefore requests that the objection to claims 1, 10 and 13 be withdrawn.

Claims 1-3, 7, 9, 10, 13, 4, 16, 17 and 20-22 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,291,690 to Jessen. Applicant disagrees with and traverses this rejection for the following reasons.

Jessen discloses a device for performing an emergency cricothyrotomy including a cannula 44 having a conical receiver 58 at one end and a hinged portion at the opposing end where the sides and the hinged portion define open ports 66. An oval member defines a central opening and flanges 64 that fit around the receiver 58 as shown

in Fig. 7. The flanges 64 are used to secure and stabilize the cannula unit 44 when resuscitation or suction equipment is used as shown in Figs. 11 and 12.

In contrast, amended claim 1 recites, among other things a hand-held fish catching device including "a handle including a first handle end and an opposing second handle end," and "a body wherein the body is a tube having a solid, side wall, unitary construction, a first body end and an opposing second body end, said side wall having a uniform diameter and extending from said first body end to said second body end" where the "second body end [includes] . . . a fixed end wall constructed to prevent the fish from exiting or being removed from said second body end, said fixed end wall defining a single, second opening having a second diameter." Jessen fails to disclose such subject matter.

The cannula 44 in Jessen discloses a receiver 58 that has a funnel-shaped end to allow a tube adaptor 60 or suction catheter 72 to be easily inserted into the cannula during an emergency operation (see Figs. 11 and 12). The funnel-shaped opening also allows the receiver 58 to be used as a mouthpiece for mouth-to-cannula resuscitation of an unconscious patient if necessary (Col. 4, lines 46-51; Fig. 4). The flared or funnel-shaped opening therefore is necessary in Jessen because it allows for easy and quick insertion of medical attachments and provides a suitable opening for mouth-to-cannula resuscitation if that becomes necessary. Further, Jessen does not disclose a body with a side wall having a uniform diameter (i.e., no funnel-shaped end) because that would

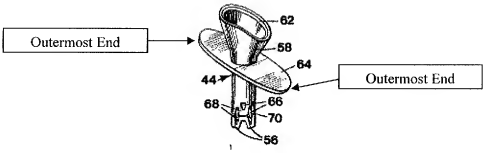
make it significantly more difficult to insert attachments or blow into the cannula in emergency situations where it is critical to work quickly.

The funnel-shaped receiver 58 in Jessen also does not disclose a fixed end wall defining a single, second opening as recited in amended claim 1. Instead, the end of the funnel-shaped receiver 58 includes tabs 56, struts 68 and hinge points 70 that define a plurality of open ports 66 (see Figs. 5, 6 and 7). In fact, Fig. 6 shows an end view of the cannula 44 which has a plurality of the openings or ports 66.

For at least these reasons, Applicant submits that amended claim 1, and the claims that depend therefrom, are each patentably distinguished over Jessen and in condition for allowance.

Amended claim 10 recites, among other things, a hand-held fish catching device including "a handle with a slip resistant surface, said handle including a first handle end and an opposing second handle end, said first and second handle ends being the outermost ends of said handle, said first handle end defining an opening, said second handle end being distally located from said first handle end and including a solid end wall constructed to prevent a fish from entering said second handle end" and "a body of unitary construction, said first and second handle ends being on a same side of said body, said second handle end being non-rotatably connected said body having a uniform diameter, said body including a first body end, a second body end and an aperture-free sidewall extending between said first body end and said second body end." Jessen fails to disclose such subject matter.

Jessen does not disclose a handle having a first end and an opposing second end where the first and second handle ends are on the same side of the body and where the handle ends are the outermost ends of the handle and one of the ends is transverse to and non-rotatably connected to the body. The Examiner states that the central oval member having flanges 64 of the cannula 44 is the claimed handle. As shown below, the outermost ends of the "handle" 64 in Jessen are on opposite sides of the cannula.



In the telephone interview, the Examiner stated that the flange portion 64 of the cannula 44 in Jessen discloses a handle where the outer edge (i.e., the perimeter) is a first end and the inner edge of the central opening is the second end of the handle. The first handle end and the second handle end of the handle in the claimed invention are the outermost ends of the handle. In Jessen, the inner edge of the central opening of the flanged portion 64 is intermediate to the outermost ends as shown above.

Further as stated above, Jessen discloses a cannula 44 having a funnel-shaped or conical receiver 58. The cannula therefore does not have a uniform diameter nor does Jessen contemplate such a feature.

Additionally, Jessen fails to disclose that the receiver has an aperture-free sidewall. In the claimed invention, the body includes a first end and a second end and a sidewall extending between the first end and second end. The sidewall of the body in the claimed invention is aperture-free or, in other words, does not include any openings or holes. In contrast, the sidewall and end of the conical receiver 58 that is inserted into the trachea of a patient includes several ports or openings 66 to allow a suffient amount of air to flow through the cannula. Jessen therefore fails to disclose a body having an aperture-free side wall.

For at least these reasons, Applicant submits that amended claim 10, and the claims that depend therefrom, are each patentably distinguished over Jessen and in condition for allowance.

Amended claim 13 is similar to amended claims 1 and 10. Specifically, amended claim 13 recites, among other things, a hand-held fish catching device including "a handle having a first proximal end and a second distal end," "a unitary body having a uniform diameter and defining a longitudinal axis, said first proximal end of said handle being non-movably connected to a portion of a perimeter of said body along an outer surface thereof and being constructed to prevent a fish from entering said handle, said first proximal end and said second distal end be on a common side of said body relative to said longitudinal axis" and "said body having a first end, an opposing second end and a solid, aperture-free side wall between said first end and said second end." Jessen fails to disclose subject matter.

As stated above, Jessen fails to disclose that its conical receiver 58 has a uniform body having a uniform diameter nor is such a body contemplated. Furthermore, Jessen does not disclose that the outermost ends of its handle are on a common side of the cannula 44 (i.e., common side relative to the longtidinal axis defined by the body). Instead, the "handle" in Jessen includes flanges 64 that extend from opposite sides of the cannula. Thus, the first and second ends of the handle are not on a common side of the longitudinal axis defined by the body as recited in amended claim 13. Additionally, the cannula 44 does not include a sidewall that extends between the ends of the conical receiver that is aperture-free. Instead, as shown in Fig. 7, the side wall of the conical receiver 58 includes a plurality of ports or openings 66.

For all the above reasons, Applicant submits that amended claim 13, and the claims that depend therefrom, are each patentably distinguished over Jessen and in condition for allowance.

Amended claim 20 discloses a hand-held baitfish catching device including "a handle having a first end and an opposing second end, said first end of said handle being constructed to prevent a fish from entering said first end" and "a body of unitary construction connected to said first end of the handle and defining an interior chamber, said body including a first end, an opposing second end, and an aperture-free sidewall extending between said first end and said second end" where "said second end of said body [includes] . . . a fixed, end wall, defining a single, second opening." As stated above, Jessen fails to disclose a body having an aperture-free side wall. Instead, the side

wall of the conical receiver 58 in Jessen discloses a plurality of ports or openings 66 that are used to deliver ample air to a patient's trachea. Furthermore, Jessen fails to disclose a first end having one opening and an opposing second end having a single, second opening. As stated above, the end of the cannula in Jessen that is opposite to the flared or funnel-shaped open end defines a plurality of openings or ports 66 and not solely a single opening as recited in amended claim 20.

For at least these reasons, Applicant submits that amended claim 20, and the claims that depend therefrom, are each patentably distinguished over Jessen and in condition for allowance.

Claims 4 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Jessen. Claims 4 and 15 depend from amended claims 1 and 13, respectively. Applicant therefore submits that claims 4 and 15 are patentably distinguished over Jessen for at least the reasons provided above with respect to amended claims 1 and 13, and for the further reason that Jessen fails to disclose or suggest the subject matter of claims 4 and 15 in combination with the subject matter of amended claims 1 and 13, respectively.

Applicant submits that in view of the above-identified amendments and remarks, the claims in their present form are patentably distinct over the art of record. Allowance of the rejected claims is respectfully requested. Should the Examiner discover

there are remaining issues which may be resolved by a telephone interview, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,

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